

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

MALIBU MEDIA, LLC,)	
)	
Plaintiff,)	Civil Action Case No. 5:19-CV-00834-DAE
)	
v.)	
)	
JOHN DOE,)	
)	
Defendant.)	
_____)	

SCHEDULING RECOMMENDATIONS

The parties recommend that the following deadlines be entered in the scheduling order to control the course of this case:

1. A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed by March 9, 2020.
2. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties by February 10, 2020, and each opposing party shall respond, in writing, by February 24, 2020.
3. The parties shall file all motions to amend or supplement pleadings or to join additional parties by March 2, 2020.

4. All parties asserting claims for relief shall file their designation of potential witnesses, testifying experts, and proposed exhibits by no later than 45 days before the date set for the start of trial. Parties resisting claims for relief shall file their designation of potential witnesses, testifying experts, and proposed exhibits by no later than 30 days before the date set for the start of trial.

A party having the burden of proof on an issue shall disclose any potential testifying expert on that issue and serve but not file the materials required by FED. R. CIV. P. 26(a)(2)(B) by three (3) months prior to the close of discovery. All disclosures of rebuttal experts and service of the materials required by FED. R. CIV. P. 26(a)(2)(B) shall be within thirty (30) days of service of the report of the opposing expert.

5. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within twenty-one (21) days of receipt of the written report of the expert's proposed testimony, or within twenty-one (21) days of the expert's deposition, if a deposition is taken, whichever is later.

6. The parties shall complete all discovery on or before October 20, 2020. Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

7. All dispositive motions shall be filed no later than November 23, 2021. Dispositive motions as defined in Local Rule CV-7(c) and responses to dispositive motions shall be limited to twenty (20) pages in length. Replies, if any, shall be limited to ten (10) pages in length in accordance with Local Rule CV-7(e). **If the parties elect not to file dispositive motions, they must contact the courtroom deputy on or before this deadline in order to set a trial date.**

8. The hearing on dispositive motions will be set by the Court after all responses and replies have been filed.

9. The trial date will be determined at a later date by the Court. The parties shall consult Local Rule CV-16(e)-(g) regarding matters to be filed in advance of trial. At the time the trial date is set, the Court will also set the deadline for the filing of matters in advance of trial.

10. All of the parties who have appeared in the action conferred concerning the contents of the proposed scheduling order on January 20, 2020, and the parties have agreed as to its contents. The following positions and reasons are given by the parties for the disagreement as to the contents of the proposed scheduling order. Plaintiff offers the following explanation of why all parties have not been served.

Dated: January 20, 2020

By: /s/JT Morris

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Respectfully submitted,

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